

House File 2085 - Introduced

HOUSE FILE 2085

BY OLSON

A BILL FOR

1 An Act relating to eligibility for a deferred judgment,
2 deferred sentence, suspended sentence, or reduced fine for
3 a first offense of operating while intoxicated involving
4 bodily injury or property damage.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.2, subsection 3, paragraph b,
2 subparagraph (2), subparagraph division (e), Code 2016, is
3 amended by striking the subparagraph division.

4 Sec. 2. Section 321J.2, subsection 3, paragraph c,
5 unnumbered paragraph 1, Code 2016, is amended to read as
6 follows:

7 Assessment of a fine of one thousand two hundred fifty
8 dollars. However, in the discretion of the court, ~~if no~~
9 ~~personal or property injury has resulted from the defendant's~~
10 ~~actions,~~ the court may waive up to six hundred twenty-five
11 dollars of the fine when the defendant presents to the court
12 at the end of the minimum period of ineligibility a temporary
13 restricted license issued pursuant to [section 321J.20](#).

14 Sec. 3. Section 907.3, subsection 1, paragraph a,
15 subparagraph (6), subparagraph division (e), Code 2016, is
16 amended by striking the subparagraph division.

17 Sec. 4. Section 907.3, subsection 2, paragraph a,
18 subparagraph (2), subparagraph division (e), Code 2016, is
19 amended by striking the subparagraph division.

20 Sec. 5. Section 907.3, subsection 3, paragraph c,
21 subparagraph (5), Code 2016, is amended by striking the
22 subparagraph.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 Code sections 321J.2 and 907.3 prohibit a court from
27 deferring judgment, deferring a sentence, or suspending a
28 sentence for a person convicted of a first offense of operating
29 while intoxicated (OWI) if the offense resulted in bodily
30 injury to another person. Code section 321J.2 also prohibits
31 a court from reducing the fine for a first offense of OWI from
32 \$1,250 to \$625 if the offense resulted in personal injury or
33 property damage.

34 This bill eliminates those prohibitions. Under the bill,
35 a person convicted of a first offense of OWI is eligible to

1 receive a deferred judgment, deferred sentence, or suspended
2 sentence, and a reduced fine, regardless of whether the offense
3 resulted in personal injury or property damage, as long as
4 the person meets the other requirements for receiving those
5 benefits.